

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

OLIVIA Y., by and through her next friend, James D. Johnson; JAMISON J., by and through his next friend, Clara Lewis; DESIREE, RENEE, TYSON, and MONIQUE P., by and through their next friend, Sylvia Forster; JOHN A., by and through his next friend, James D. Johnson; CODY B., by and through his next friend, Sharon Scott; MARY, TOM, MATTHEW, and DANA W., by and through their next friend, Zelatra W.; AND SAM H., by and through his next friend, Yvette Bullock; on their own behalf and behalf of all others similarly situated,

Plaintiffs,

CIVIL ACTION NO.  
3:04-CV-251-TSL-FKB

v.

PHIL BRYANT, as Governor of the State of Mississippi;  
DONALD TAYLOR, as Executive Director of the  
Department of Human Services; AND BILLY MANGOLD,  
as Director of the Division of Family and Children's  
Services,

Defendants.

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**PLAINTIFFS' AMENDED MOTION FOR RELIEF PURSUANT TO REMEDY PHASE  
OF PLAINTIFFS' RENEWED MOTION FOR CONTEMPT, FOR AN EVIDENTIARY  
HEARING, AND FOR THE APPOINTMENT OF A RECEIVER**

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Plaintiffs respectfully move this Court for the entry of an Order finding Defendants in contempt of this Court's orders, for an evidentiary hearing, and for the appointment of a general receiver with full authority to administer Mississippi's child welfare system to bring it into compliance with the orders of this Court. In support of their motion, Plaintiffs state the following:

1. This Amended Renewed Motion is brought pursuant to Federal Rule of Civil Procedure 70(e), the Stipulated Third Remedial Order [Dkt. 713]("STRO"), and the 2nd Modified Mississippi Settlement Agreement and Reform Plan [Dkt. 712]("2nd MSA"). This Amended

Renewed Motion is supported by the accompanying Amended Memorandum of Law in Support of the Remedy Phase of Plaintiffs' Renewed Motion for Contempt, For an Evidentiary Hearing, and for the Appointment of a Receiver, which is filed contemporaneously with and incorporated by reference into this motion.

2. As explained more fully in Plaintiffs' accompanying memorandum of law, an order finding Defendants in contempt and for the appointment of a receiver is necessary to prevent further harm to the entire class of *Olivia Y.* foster children whose safety and well-being remain at risk as a direct result of Defendants' consistent disregard for its Court-ordered obligations. The necessity for an evidentiary hearing to provide further support for a finding of contempt and for the appointment of a receiver are amply met by the evidence and arguments submitted in support of this Amended Renewed Motion.

3. Specifically, Plaintiffs submit the following exhibits in support of this Amended Renewed Motion.

- Exhibit A: Monitor's June 11, 2019 Progress of MDCPS Report 6;
- Exhibit B: Jess Dickinson Deposition Transcript, Pages 139-144;
- Exhibit C: Jess Dickinson Deposition Transcript, Pages 118-121;
- Exhibit D: Hiring Freeze Memo dated December 20, 2017;
- Exhibit E: Notice of Noncompliance dated March 5, 2018;
- Exhibit F: Notice of Noncompliance dated November 13, 2018;
- Exhibit G: Notice of Noncompliance dated March 6, 2019;
- Exhibit H: Monitor's January 2, 2018 Caseload Statistics;
- Exhibit I: MSA Quarterly Report for Period 10/1/18-12/31/18;
- Exhibit J: Taylor Cheeseman Deposition Transcript, Pages 33-35;

- Exhibit K: Monitor's March 30, 2018 Caseload Statistics;
  - Exhibit L: Monitor's May 15, 2018 Caseload Statistics;
4. For the reasons stated in this Amended Renewed Motion, as well as the reasons and authorities provided in the accompanying memorandum brief, Plaintiffs request that the Court grant their motion, find that Defendants are in noncompliance with the STRO and 2nd MSA, hence in contempt of court; and fashion an order appointing a Receiver, setting out both the Receiver's powers and the duration of the Receiver's mandate, and the standards for a transition out of receivership.
5. Plaintiffs also request that this Court grant such other and further relief as this Court deems necessary and proper.

RESPECTFULLY SUBMITTED, this the 3<sup>rd</sup> day of July 2019.

/s/ Marcia Robinson Lowry

Marcia Robinson Lowry (pro hac vice)  
A Better Childhood, Inc.  
355 Lexington Avenue, Floor 16  
New York, New York 10017  
Telephone (646) 808-7344  
Email: [mlowry@abetterchildhood.org](mailto:mlowry@abetterchildhood.org)

Wayne Drinkwater, Jr. (MBN 6193)  
Michael J. Bentley (MBN 102631)  
BRADLEY ARANT BOULT CUMMINGS LLP  
One Jackson Place, Suite 400  
188 East Capitol Street  
Jackson, Mississippi 39201  
Telephone: (601) 948-8000  
Facsimile: (601) 948-3000  
Email: [wdrinkwater@bradley.com](mailto:wdrinkwater@bradley.com)  
[mbentley@bradley.com](mailto:mbentley@bradley.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on July 3<sup>rd</sup> 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will deliver copies to all counsels or record.

/s/ Marcia Robinson Lowry  
Marcia Robinson Lowry (*pro hac vice*)